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AW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,779	03/06/2002	Takashi Murakami	2002_0334A	8515
513	7590	11/21/2003	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			TAYLOR, VICTOR J	
		ART UNIT		PAPER NUMBER
				2863

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/090,779	MURAKAMI ET AL. <i>AW</i>
	Examiner Victor J. Taylor	Art Unit 2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 March 2002.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> | 6) <input checked="" type="checkbox"/> Other: <i>Office Action</i> .        |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on March 6, 2002. These drawings are approved.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

I. The claimed method steps for defining a method for deriving a decision of whether the electrical appliance is failed or not from the status value as claimed is not clear in the specification as to just what processing steps for defining and deriving are used or taken in the "program" on page 31.

II. It is not clear as to just what processing steps are used in the incorporation of the program for updating the standard value 205 as found in lines 20-32 on page 31 of the specification.

III. The applicant further discloses the arithmetic program using a series of linear equations in line 32 on page 15 and in lines 1-14 on page 16, and discloses the failure Model 200 on page 15 and in figure 2.

It is not clear to the examiner as to just what processing steps are taken in the program or as to what processing steps are taken in the failure Model or which commercial software is used in the processing of the invention to achieve the linear

processing for the claimed method steps used in the remote processing system.

Clarification and corrections are required.

### ***Claim Objections***

3. Claims 1-27 are objected to because of the following informalities: Claims 1-27 are apparatus maintenance systems with method claim structure that is found both in the independent claims and in the method steps of the dependent claims. Applicant is required to amend the claim structure to the correct form of apparatus claim structure and method claim structure with the correct antecedent basis for the claimed subject matter. See 37 CFR 1.75 (d) (1) and MPEP § 608.01 (o). The claim structure appears to be an improper translation of the foreign document. Appropriate correction is required.

4. Claims 1-37 are objected to because of the following informalities: The claims are in improper antecedent form and comprise apparatus with computer processing methods. See 37 CFR 1.75 and MPEP § 608.01(i)-(p). Appropriate correction is required.

### **Prior Art**

5. The prior art made of record and not relied upon is considered pertinent to applicant;

I. Burns US 4,567,557 is cited for the building maintenance intelligence system 12 in figure 1 using the computer 34 with the communications device 36 in figure 1.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. The Claims 1-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly clearly claim the subject matter which applicant regards as the invention.

8. Claims 1-35 recites the limitation for "a remote maintenance system and a central server as apparatus" in the independent and the dependent claims that is combined with the failure model software used to define a method of deriving and deciding the method steps by using qualitative reasoning and fail to show the correct antecedent basis for the method claim limitations.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandelman et al., in US 6,160,477.

The claim limitations found in the instant application will be examined as best understood by the examiner in view of the antecedent problems and indefinite claim language problems as objected to above and in view of the cited art in order to expedite the examination of the instant application.

With regards to claims 1, 13, 18, 25, 28 and 35 Sandelman et al., discloses a system and method for monitoring remote equipment using the message delivery server 1, that is telecommunications connected 122 to the web server client server 121 and monitors housing appliances see the air conditioner 2 and the heater boiler 3 in figure 1. He further discloses the common interface unit 10A, which comprises elements of the failure model limitation in that it receives and distributes maintenance information concerning the air condition system 2a and the sensor located 600 in figure 6. He further discloses the limitation of the home server as the electronic delivery server 1 in figure 6 connected to the Internet server 121 in figure 1. He further discloses the interface 37 and comprises billing 38 using pagers voice and e-mail function common faction of the Internet in figure 4.

With regards to claims 36, and 37, Sandelman et al., discloses the flow chart for processing various message configurations that is indicative of a computer program running on a computer server s-5 in figure 5.

As to claims 2-17, 19-24, 26-27 and 29-34, variously dependent on multiple rejected base claims Sandelman et al., further discloses the message sending units 10 combined with the message server 1 connected to the web client in figure 1 and further discloses the monitored equipment with the associated switching and software and

computer processing in lines 20-65 of column 4 and discloses the computer message and flow chart processing steps in lines 5-65 of column 9 in combination with the entire patent.

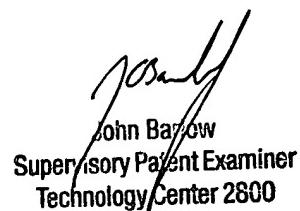
***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor J. Taylor whose telephone number is 703-305-4470. The examiner can normally be reached on 8:00 to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 703-308-3126. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.

Victor J. Taylor  
Examiner  
Art Unit 2863



John Barlow  
Supervisory Patent Examiner  
Technology Center 2800